

Notice of Allowability

Application No.

09/670,073

Examiner

Kevin Bates

Applicant(s)

SHUPAK ET AL.

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4-28-06.
2. ☒ The allowed claim(s) is/are 1-7, 13-18, 22-28, 30-32, 35-46, 49-52, 54-55, 57, and 59-63, renumbered 1-47.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER

Response to Amendment

This Office Action is in response to a communication made on April 28, 2006.

Claims 8-12, 19-21, 29, 33-34, 47-48, 53, 56, and 58 have been cancelled.

Claims 1, 13, 22-28, 30-32, 35-36, 50-52, 54-55, 57, 59, and 63 have been amended.

Claims 1-7, 13-18, 22-28, 30-32, 35-46, 49-52, 54-55, 57, and 59-63 are pending in the application.

Claims 1-7, 13-18, 22-28, 30-32, 35-46, 49-52, 54-55, 57, and 59-63 are allowed.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ryan Grace Reg. No. 52,956 on May 25, 2006.

Examiner's Amendment

The application has been amended as follows:

In the claims:

49. The System of claim 36 ~~47~~, wherein the computer is configured to query a hierarchy of first servers in serial order.

Reasons For Allowance

The following is an examiner's statement of reasons for allowance:

The primary reason for allowance is that examiner has found that the prior art of record does not teach or render obvious a computer-readable medium, computerized system, method, and a server architecture for locating updated versions of executable software. More specifically, the prior art does not disclose or teach extracting metadata containing a unique identifier from an executable file, requesting location information from a first server using the unique identifier and extracted metadata, where the location information identifies a second server and a second server type, where the second server contains an updated version of the executable and the second server type specifies the type of protocol the second server supports, receiving the updated version from the second server and updating the executable. These differences are more clearly defined on page 14 and 15 of the applicant's remarks filed on April 28, 2006 and these differences are located in independent claims 1, 13, 36, 59, and 63.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 6052531 issued to Waldin Jr. because it discloses a directory catalog located at a server pointing to other areas of a distributed environment for version updates.

U. S. Patent No. 5155847 issued to Kirouac, because it discloses remotely locating version updates.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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May 25, 2006


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER